

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARC WEINSTEIN,

Plaintiff,

-against-

CIVIL ACTION NO:

19-CV-6236 (SJF)(AKT)

PATRICK RYDER, Police Commissioner,
Nassau County, New York,

LT. MARK TIMPANO, Commander, Pistol
License Section, Nassau County Police
Department;

**NOTIFICATION OF
CONSTITUTIONAL
CHALLENGE OF
STATUTE**

INVESTIGATOR IMPERIALE, Police
Officer and Investigator, Nassau County
Police Department, Pistol License Section,

And

The COUNTY OF NASSAU,

Defendants.

Jury Trial Demanded

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Pursuant to Rule 5.1(a) of the Federal Rules of Civil Procedure, Plaintiffs, by and through counsel, respectfully file this Notice of Constitutional Challenge of Statute with the Court. Notice has been provided to the Attorney General of New York (the "Attorney General"). In support thereof Plaintiffs show as follows:

1. This action was instituted by Plaintiffs on November 5, 2019 and the Defendant thereafter answered on January 3, 2020.
2. By certified letter dated April , 2020, and pursuant to Rule 5.1(a)(1)(B), Plaintiffs provided the Attorney General with a copy of the Summons and Complaint in this action and notified him that this action challenged the constitutionality of a state statute. A true and accurate copy of that notice is attached hereto as Exhibit A. In that letter, Plaintiffs communicated that they were serving a copy of the Summons and Complaint on the Attorney General pursuant to Rule 5.1(a), that the Complaint challenged the constitutionality of a state statute, and that the Complaint was filed against Patrick Ryder, in his official capacity as Police Commissioner, Nassau County New York. In this manner, Plaintiffs complied with Rule 5.1(a)(1)(B) requirements that the Attorney General be notified that a state statute was being challenged through this action and that neither the State, one of its agencies, nor one of its officers or employees had been named as a defendant, although Nassau County, a subdivision of the State has been named as a party.

3. Plaintiffs believe the April 20, 2020 letter satisfies their substantive obligations under Rule 5.1(a)(1)(B) and (a)(2).

4. In further compliance with Rule 5.1(a)(2), Plaintiffs will serve the Attorney General with a copy of this Notice via certified mail.

Respectfully submitted this the 20th day of April, 2020.

/S/

Robert T. Bean (RB 4464)
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